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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,723	07/20/2005	Michael Menth	2003P00697WOUS	8414

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
CHAN, SAI MING	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/542,723	MENTH ET AL.	
	Examiner	Art Unit	
	Sai-Ming Chan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-10 canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fodor et al. (U.S. Patent #6788646),** in view of **Bellows (U.S. Patent Publication #20040100901).**

Consider **claim 11**, Fodor et al. clearly disclose and show a method for setting values of an access control (column 5, lines 10-25 (bandwidth control)) for limiting traffic transmission (column 5, lines 10-25 (restrict traffic connections)) in a communication network, wherein the communication network comprises a plurality of pairs of marginal nodes (fig. 1 (20), column 4, lines 61-67; column 5, lines 1-9 (20 IP routers)) between which the transmission occurs, and the limit values (column 1, lines 19-26 (limit imposed by link capacity)) of the access control are limit values regarding the pairs (column 5, lines 10-25 (bandwidth control)), the method comprising the following steps:

However, Fodor et al. do not specifically disclose the setting, increasing and updating of the limit values.

In the same field of endeavor, Bellows clearly shows the setting, increasing and updating of the limit values:

setting the limit values such that probabilities for each of the pairs related to not approving the transmission between the marginal nodes of the pair are substantially the same (paragraph 0003 (yellow is the defined bounds), fig. 2 (204 (Ti (yellow)),

paragraph 0030), and such that an overload situation in the communication network does not occur (fig. 2 (B=1 means no congestion), paragraph 0011);

increasing the limit values to a minimum value at which an overload situation starts to occur (fig. 2 (204 (Ti (red)), paragraph 0030), such that the probabilities are substantially the same (paragraph 0030); and

updating the limit value regarding at least one of the pairs of marginal nodes, between which a transmission occurs causing the overload situation, by setting the limit value to the minimum value (fig. 2 (206 (Ti(red)), paragraph 0032).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a communication network, as taught by Foder et al., and show setting, increasing and updating of the limit values, as taught by Bellows, so that calls are routed through the network efficiently.

Consider **claim 12**, and **as applied to claim 11 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method in accordance with claim 11, wherein the probabilities related to not approving the transmission between the marginal nodes of the pairs are blocking probabilities related to blocking the transmission between the marginal nodes of the pairs (column 1, lines 58-67; column 2, lines 1-5).

Consider **claim 13**, and **as applied to claim 11 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method, wherein the marginal nodes include

nodes of the network representing sources or sinks of traffic of the network (fig. 1 (20), column 4, lines 61-67; column 5, lines 1-9 (20 IP routers)).

Consider **claim 14**, and **as applied to claim 11 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method, wherein the marginal nodes are specified by ingress nodes and egress nodes of the network (fig. 1 (20), column 4, lines 61-67; column 5, lines 1-9 (20 IP routers)).

Consider **claim 16,** and **as applied to claim 11 above**, Fodor et al., as modified by Bellows, clearly disclose and show the method as described.

However, Fodor et al. do not specifically disclose setting the limit values.

In the same field of endeavor, Bellows clearly shows the overload situation is produced when in a scenario of high traffic load, in which the limit values for the access controls are still adhered to (fig. 2(Ti (yellow), paragraph 0032), a threshold value is exceeded on a link for the traffic transmitted over the link (fig. 2(Ti (red), paragraph 0032).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a communication network, as taught by Foder et al., and show setting the limit values, as taught by Bellows, so that calls are routed through the network efficiently.

Consider **claim 17**, and **as applied to claim 16 above**,

claim 21, and **as applied to claim 20 above**,

Fodor et al., as modified by Bellows, clearly disclose and show a method, wherein the threshold value for the traffic transmitted over the link is assigned to the link such that in case of failure of the link, the traffic allowed within the framework of the access controls does not represent any overload (fig. 2; column 11, lines 19-59 (iterative procedure will re-tune the parameters)).

Consider **claim 18,** and **as applied to claim 11 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method as described.

However, Fodor et al. do not specifically disclose the increasing and updating of the limit values.

In the same field of endeavor, Bellows clearly shows the increasing and updating of the limit values:

further increasing the limit values regarding further pairs of the pairs, which for the limit value is not determined yet, in excess of the minimum value to a further minimum value at which a further overload situation starts to occur (fig. 2 (204 (Ti (red)), paragraph 0030), such that the probabilities are substantially the same (paragraph 0030); and

updating the limit value regarding at least one of the further pairs of marginal nodes, between which a transmission occurs causing the further overload situation, by setting the limit value to the further minimum value (fig. 2 (206 (Ti(red)), paragraph 0032).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a communication network, as taught by Foder et al., and show the increasing and updating of the limit values, as taught by Bellows, so that calls are routed through the network efficiently.

Consider **claim 19**, and **as applied to claim 18 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method, comprising repeating the further steps until the limit values for all of the pairs are determined (fig. 2; column 11, lines 19-59 (iterative procedure for maximum cut-off parameters with minimum blocking probabilities)).

Consider **claim 20**, and **as applied to claim 18 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method, wherein the further overload situation is produced when in a further scenario of high traffic load, in which the limit values for the access controls are still adhered to, a further threshold value is exceeded on a further link for the further traffic transmitted over the further link (fig. 2; column 11, lines

19-59 (iterative steps to tune the cut-off parameters to its maximum in order to minimize the blocking probabilities)).

Consider **claim 22**, and **as applied to claim 11 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method, further comprising: making access checks for all the traffic of a class of service (column 5, lines 27-47 (provide the contracted QoS)).

Consider **claim 23**, and **as applied to claim 22 above**, Fodor et al., as modified by Bellows, clearly disclose and show a method, wherein the access checks relate to an approval or rejection of individual flows (column 1, lines 58-65 (reject new calls to protect in-progress calls in order to provide QoS)).

Consider **claim 24**, and **as applied to claim 11 above**, Fodor et al., as modified by Bellows, clearly disclose and show a network node with means for executing the method (fig. 2, column 11, lines 19-59).

Consider **claim 25**, and **as applied to claim 24 above**, Fodor et al., as modified by Bellows, clearly disclose and show a network node werein the network node is a marginal node of the network (fig. 1 (20), column 4, lines 61-67; column 5, lines 1-9 (20 IP routers)).

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fodor et al. (U.S. Patent #6788646),** in view of **Bellows (U.S. Patent Publication #20040100901),** and in view of **Hemmady et al. (U.S. Patent #4872157).**

Consider **claim 15**, and **as applied to claim 14 above**, Fodor et al., as modified by Hemmady et al., clearly disclose and show the method as described.

However, Fodor et al., as modified by Bellows, do not specifically disclose a plurality of ingress and egress nodes.

In the same field of endeavor, Hemmady et al. clearly show the plurality of the pairs comprises all pairs of the network consisting of an ingress node and an egress node in each case (fig. 2, column 6, lines 54-59 (NIMs at the edge of the network)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate a communication network, as taught by Foder et al., and demonstrate a plurality of edge nodes, as taught by Hemmady et al., so that calls are routed through the network efficiently.

Response to Argument

Applicant's arguments filed on April 7, 2008, with respect to claims 11 and 18, on pages 2-4 of the remarks, have been carefully considered.

In the present application, Applicants basically argue, that Fodor et al. do not teach or suggest "limit value". The Examiner has modified the response with a new reference which combines with Fodor to provide "limit value". See the above rejections of claims 11 and 18, for the relevant interpretation and citations found in Bellows, disclosing the limitation.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Sai-Ming Chan/
Examiner, Art Unit 2616

May 28, 2008

/Ian N. Moore/

Primary Examiner, Art Unit 2616